



EXHIBIT 2

SURVEY REPORT

INTERNATIONAL RESEARCH SERVICES INC.

Title: Survey of Pain Control Specialists Regarding Possible Confusion Between Names Zucapsaicin and Capsaicin

Sponsor: Winston Laboratories, Inc.

**Investigator/
Study Center:** International Research Services, Inc. ("IRSI"), Port Chester, NY

Study Period: August 2003 – September 2003

Objective(s): To ascertain whether the chemical names (generic names) for two different compounds, **zucapsaicin** and **capsaicin**, might create confusion in a selected group of targeted sub-specialists, consequently increasing the risk of medical errors if both were to be marketed for the same indication in the U.S.

Methodology: The short questionnaire attached, as Exhibit A was telefaxed to 400 randomly selected U.S. based members of the American Pain Society ("APS"). Such members include U.S. physicians, pharmacists, and nurses who specialize in the treatment and study of pain. All randomly selected members of the APS had to meet the following three requirements: 1. Be actively involved in clinical pain management (i.e. be a physician, pharmacist, or nurse). 2. Not be employed by a pharmaceutical company. 3. Have a FAX number listed in the APS directory. Contacted subjects were asked to complete the questionnaire and telefax it back to IRSI. As compensation/incentive for the return of the questionnaires to IRSI, the questionnaire represented that a \$5.00 contribution would be made to the APS.

Results: Out of 400 questionnaires sent out by IRSI, 39 were completed and returned (9.75%). Copies of the returned questionnaires are attached as Exhibit B. Only two of the three questions were tabulated (#1 and #3) since question #2 was only included to protect the blinding of the questionnaire.

- A.** Question #1 stated: Please identify what you believe is the relationship between **zucapsaicin** and **capsaicin**, using one of the letters identified below. If you are unsure, please indicate your best guess without looking up information in any medical information reference source.
- A. both are the same compound, and one is a synthetic form of the other
 - B. both are the same compound, and one is a genetically engineered form of the other
 - C. both are the same compound, and one is a purified form of the other
 - D. both are the same compound, and one is a branded form of the other
 - E. both are the same compound, and they are alternative generic names
 - F. the two are brand or generic names for different compounds

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The following table displays the tabulated results for the responses to question #1.

<u>Answer to Question #1</u>	<u>Number of Respondents</u>	<u>% of Respondents Who Answered Question #1</u>
A	12	32.4
B	2	5.4
C	4	10.8
D	9	24.3
E	4	10.8
F	6	16.2
No Response	2	---

- B. Question #3 stated: If **zucapsaicin** and **capsaicin** are names for different compounds used to treat the same pain indication, would there be a chance of confusion between the names in writing or reading a prescription?

Yes, Major Confusion

Yes, Some Confusion

No, Not Likely to Cause Confusion

The following table displays the tabulated results for the responses to question #3.

<u>Answer to Question #3</u>	<u>Number of Respondents</u>	<u>% of Respondents Who Answered Question #3</u>
Yes, Major Confusion	25	65.8%
Yes, Some Confusion	10	26.3%
No, Not Likely To Cause Confusion	3	7.9%
No, Response	1	---

Comment:

In this survey of possible confusion between the names **zucapsaicin** and **capsaicin**, questionnaires were sent to 400 specialists in pain control. Return questionnaires were received from 39 or 9.75% of the recipients, which is an average to good response rate for this type of survey.

In spite of the fact that the respondents were "pain experts" and should, therefore, be far more knowledgeable concerning the literature and nomenclature regarding capsaicinoids, only 16.2% of respondents correctly identified **zucapsaicin** and **capsaicin** as names for different compounds. Remarkably, 83.9% of respondents thought **zucapsaicin** and **capsaicin** are alternative names for the same chemical compound.

When in question #3, respondents were queried as to whether it would create confusion "between the names in writing or reading a prescription" if **zucapsaicin** and **capsaicin** were

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names for different compounds, 92.1% responded that it would cause confusion with 65.8% responding that it would cause "Major Confusion."

Conclusion:

Based on the survey conducted by IRSI with 400 randomly chosen pain-control experts, who are current members of the American Pain Society, the utilization of the names capsaicin and zucapsaicin for two different chemical compounds, incorporated into topical formulations for relief of osteoarthritis pain, would create substantial confusion among medical practitioners. This confusion would result in a significant possibility of medication errors.

EXHIBIT A

IMPORTANT RESEARCH SURVEY—PLEASE HELP!

**For each completed survey, a \$5 donation will be made to the American Pain Society.
This is *not* a commercial solicitation or advertisement.**

Dear Pain Specialist:

IRSI has been commissioned to undertake a research survey of certain generic or brand drug names in the pain area, in order to assess the possibility of nomenclature contributing to medication errors. As a pain specialist, you have been randomly selected to participate in this survey. This survey should take no more than 5 minutes of your time, and individual answers will remain anonymous. As a token of appreciation, a **\$5 donation** will be made to the American Pain Society for each survey completed and returned by September 1, 2003 to the fax number below.

1. Please identify what you believe is the relationship between **zucapsaicin** and **capsaicin**, using one of the letters identified below. If you are unsure, please indicate your best guess without looking up information in any medical information reference source.

- A. both are the same compound, and one is a synthetic form of the other
- B. both are the same compound, and one is a genetically engineered form of the other
- C. both are the same compound, and one is a purified form of the other
- D. both are the same compound, and one is a branded form of the other
- E. both are the same compound, and they are alternative generic names
- F. the two are brand or generic names for different compounds

Answer: _____

2. If **zucapsaicin** and **capsaicin** are alternative names for the same compound, would there be a chance of confusion between the names in writing or reading a prescription?

- ☐ Yes, Major Confusion
- ☐ Yes, Some Confusion
- ☐ No, Not Likely to Cause Confusion

3. If **zucapsaicin** and **capsaicin** are names for different compounds used to treat the same pain indication, would there be a chance of confusion between the names in writing or reading a prescription?

- ☐ Yes, Major Confusion
- ☐ Yes, Some Confusion
- ☐ No, Not Likely to Cause Confusion

Please FAX the completed survey to IRSI at (914) 937-8067.

Thank you for your participation!

A \$5 donation will be made to the American Pain Society for each completed survey.